

## Region 4 Weekend Report

7/27/17

### **Hot Issues**

#### ***Chemical Release to Cape Fear River (Chemours Facility) – ENFORCEMENT CONFIDENTIAL***

Key Message: Chemours (formerly DuPont) manufactures the chemical GenX, a processing aid that enables the production of high-performance fluoropolymers without the use of perfluorooctanoic acid (PFOA). The free acid GenX precursor chemical has been found in the Wilmington, NC, drinking water system.

- **(Update)** Region 4 staff are preparing controlled responses for signature by the Region 4 acting Regional Administrator in response to correspondence from several citizens in the Cape Fear River area about GenX.
- **(Update)** NC DEQ plans a press release regarding the Round 4 sampling event this week. The Governor requested daily weekday sampling at the Chemours outfall. EPA's Office of Research and Development is assisting with analysis.
- **(Update)** Region 4 NPDES staff and NC DEQ staff will participate in a site visit of the Chemours Fayetteville, NC, facility on July 27, 2017.

#### ***Kentucky Petition on Reformulated Gasoline (RFG) Requirements***

Key Message: On April 18, 2017, the Commonwealth of Kentucky petitioned the Administrator to allow the Northern Kentucky area comprised of Boone, Campbell, and Kenton Counties to opt out of the RFG program, effective July 1, 2017. The Commonwealth contends that because continued improvements in ozone concentrations, ozone attainment in this area is no longer dependent on the RFG program. On June 23, 2017, Kentucky provided a predraft submission of the noninterference demonstration to support their petition.

- **(Update)** The week of July 17, 2017, R4 staff and KYDEP discussed comments on the predraft submission. Kentucky addressed all but one critical comment and put their submission out to public review on July 21, 2017. Region 4 received the prehearing package from Kentucky on July 25, 2017, with a request for comment no later than August 21, 2017.

#### ***Kentucky Federal Implementation Plan (FIP) for 2008 Ozone Standard "Good Neighbor Provision" Requirements***

Key Message: The statutory deadline for EPA to promulgate the Kentucky FIP to address Kentucky's obligations under the "Good Neighbor Provision" in 42 U.S.C. § 7410(a)(2)(D)(i)(I) for ozone emissions originating in Kentucky that might be transported to New York and other downwind states was June 2, 2016. EPA missed the deadline; the Sierra Club filed suit and the State of New York intervened.

- On May 23, 2017, the U.S. District Court for the Northern District of California issued summary judgment for plaintiffs and ordered the EPA to promulgate the Kentucky FIP by June 30, 2018. The Court will retain jurisdiction over the case until then.
- **(Update)** Kentucky sent follow up questions which are currently under review by Region 4 and the Office of Air Quality Planning and Standards (OAQPS). OAQPS is working on suggested dates for a follow up call with Kentucky on their questions.

***Ensysstex, II Imports Matter – ENFORCEMENT CONFIDENTIAL***

Key Message: Region 4 is recommending a Stop Sale, Use or Removal Order (SSURO) to allow Ensysstex, II to relabel a Federal Insecticide, Fungicide, and Rodenticide Act noncompliant imports shipment and achieve compliance. On July 19, 2017, Region 4 submitted a request to the Office of Enforcement and Compliance Assurance (OECA) to expedite a decision to proceed with the issuance of the SSURO.

- Region 4 received OECA's approval on July 20, 2017, and the Office of Pesticide Programs' approval on July 25, 2017.
- Region 4 will issue the SSURO by July 28, 2017.

***Kentucky Acute Selenium Water Quality Standard Approval***

Key Message: On July 24, 2017, Region 4 signed a letter approving the Commonwealth of Kentucky's removal of their acute aquatic life criterion for selenium.

***Oak Ridge Reservation, Oak Ridge, TN***

Key Message: A Senior Executive Committee is scheduled for July 27, 2017, in Nashville, Tennessee with EPA, DOE, and TDEC.

- The meeting will focus on addressing concerns related to:
  - The Department of Energy (DOE) Oak Ridge Reservation's (ORR) elevation to formal dispute regarding its position that (1) the Remedial Investigation/Feasibility Study (RI/FS-D5) should be finalized as is and (2) the draft Proposed Plan (PP) for the Environmental Management Disposal Facility (EMDF) based on that RI/FS should be reviewed.
  - A formal dispute regarding the waste disposal landfill EMDF, which was elevated to the ORR Senior Executive Committee on June 30<sup>th</sup>. The Regional office has coordinated with EPA Headquarters' offices (FFRRO, FFEO, OSRTI and OGC) regarding siting and protectiveness concerns of the proposed landfill. A Joint Position of the EPA and TDEC Division Director will be provided.
- The SEC dispute resolution period ends on July 31, 2017.

***Mississippi Phosphates Corporation Site, Pascagoula, MS***

Key Message: Due to heavy rainfall events, a 72-hour emergency bypass was implemented on July 25, 2017, to maintain necessary freeboard.

- Emergency bypass is the release of partially treated wastewater associated with the Site. Partially treated means that the Site wastewater is pH adjusted to between six (6) and nine (9) standard units using 50% sodium hydroxide.
- Bypass was coordinated with all federal/state/local partners involved with the response action. Moderate media interest with the bypass effort is being managed through Public Affairs.
- Prior to bypass, background samples were taken in Bayou Casotte. Upon initiation of bypass and throughout the duration of the bypass, samples will be taken at the high and low daily tides. The pH remains between 6 and 9 following treatment for pH.

#### ***Milan Army Ammunition Plant, Milan, TN***

Key Message: On July 25, 2017, the Preliminary Closeout Report (PCOR) for the Milan Army Ammunition Plant was signed by the Region 4 Superfund Program, documenting achievement of the important Construction Completion milestone for this federal facility site.

- The PCOR highlights the completed construction activities: the construction of 55 caps, excavation of approximately 17,400 tons of explosive-contaminated soil, and construction of three Groundwater Treatment Plants.
- Remaining activities at Milan include the re-use of production lines, leasing igloo storage areas to outside vendors, and selling parcels of uncontaminated land.
- The next target, Partial De-listing of the Southern Portion of the Site, is anticipated for December 2018.

#### **Upcoming Public Events**

August 8, 2017 - Public meeting in Clover, SC, to provide an update on the status of the non-time critical removal action wellhead treatment systems, groundwater monitoring program, continued measures to address re-vegetative storm water controls, dam rehabilitation, and the site's selection for the Regional Site Reuse Award

August 10, 2017 - Public meeting in Ashe County, NC to address community questions regarding the waterline extension project.

#### **Upcoming Major Decisions**

#### ***Terry Creek Dredge Spoil Areas/Hercules Outfall, Brunswick, GA***

Key Message: Pre-Referral Notice (PRN) to DOJ for implementation of the Terry Creek OU1 ROD (\$4.5 M), anticipated by end of July 2017.

- The Interim ROD for OU1 was signed on June 19, 2017. EPA is currently preparing a PRN package for DOJ, and should be ready to send to DOJ by the end of July 2017.
- Following the PRN, EPA plans to issue Special Notice letters to Hercules to initiate RD/RA CD negotiations.

#### **Last Week Highlights**

None this week.